

ATTORNEY DOCKET: 71163

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re Application of : GERDER et al.
Serial No. : 10/737,202
For (title) : BREATHING GAS TUBE FOR A RESPIRATOR
Filed : December 16, 2003
Group Art Unit : 3771
Dated : **February 14, 2008**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated November 14, 2007 of the primary Examiner finally rejecting claims 1-21.

Respectfully submitted
for Applicant,



By: _____
Theobald Dengler
Reg. No. 34,575

(Rule 191 (b))

Post Office Address : **McGLEW AND TUTTLE, P.C.**
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TD:tf
71163-12

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SCARBOROUGH, NEW YORK 10510-9227
DATED: February 14, 2008

NOTE: SHOULD ANY FEE BE REQUIRED, THE PATENT AND
TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE
SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410 AND ADVISE.

Electronic Patent Application Fee Transmittal

Application Number:	10737202			
Filing Date:	16-Dec-2003			
Title of Invention:	Breathing gas tube for a respirator			
First Named Inventor/Applicant Name:	Henning Gerder			
Filer:	Theobald J. Dengler/ToniAnn Fonte			
Attorney Docket Number:	71163			
Filed as Large Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	1401	1	510	510
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				510

Electronic Acknowledgement Receipt

EFS ID:	2862063
Application Number:	10737202
International Application Number:	
Confirmation Number:	5742
Title of Invention:	Breathing gas tube for a respirator
First Named Inventor/Applicant Name:	Henning Gerder
Customer Number:	23872
Filer:	Theobald J. Dengler/ToniAnn Fonte
Filer Authorized By:	Theobald J. Dengler
Attorney Docket Number:	71163
Receipt Date:	14-FEB-2008
Filing Date:	16-DEC-2003
Time Stamp:	16:30:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	71163-12.pdf	48101 b015432507a8f3bca4d3ee406b63e0ca ba12a68d	no	2

Warnings:

Information:

2	Fee Worksheet (PTO-06)	fee-info.pdf	8125	no	2
			41d6d661de4816eaaab49fe7afa1ac4e88fe919		
Warnings:					
Information:					
Total Files Size (in bytes):				56226	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					